

**TOWN OF MANSFIELD
COMMUNITY QUALITY OF LIFE COMMITTEE
MINUTES
WEDNESDAY, APRIL 7, 2010**

Members Present: Joe Briody (Chair), Toni Moran, Betsy Paterson, Steve Rhodes.

Staff Present: Town: Mike Nintean, Gregory Padick; University: Jim Hintz.

1. Meeting called to order at 7:35 p.m. in Buchanan Center, Mansfield Public Library.
2. S. Rhodes agreed to serve as Recording Secretary.
3. The minutes of the March 4, 2010 meeting were approved with the following corrections:
 - Item 4(a): "storm troopers" corrected to "Gestapo".
 - Item 6(c) corrected to read:
 - Padick explained the details of the suggested Family Zoning definition. Use of the zoning regulation permits the designation of "nonconforming use" of properties also known as grandfathering. The purpose of these changes is to act as a disincentive for creation of additional rental properties in the future, not to stop people who are currently renting properties.
 - Item 8(a): first sentence corrected to read:
 - The CQOL recommends that the Planning and Zoning Commission consider and approve a revised definition of family for the purpose of preserving the residential character of residential neighborhoods in Mansfield, including a reduction from 4 unrelated persons to 3 unrelated persons in rental properties in residential areas as defined in the expanded definition of family, February 26, 2010 draft.
4. The Committee received written comments from James Findley and Thomas Knecht on behalf of Thomas Haggerty (attached to and incorporated in these minutes). The Committee also heard oral comments from Betty Wassmundt (opposed to proposed parking regulation), David Freudmann (opposed to student tenant registry), James Findley (supporting the Committee's attempt to regulate rental properties), Thomas Knecht (expressing UConn Undergraduate Student Government's opposition to the proposed parking regulation), Elizabeth Kane (warning against over-regulating a situation caused by isolated incidents), and Sally Milins (suggesting that enforcement of existing laws and ordinances would accomplish the same ends without penalizing landlords who comply with regulations).

5. Chair Joe Briody reported that the Town Council has set the date of April 26, 2010, for a public hearing on the proposed parking ordinance, and encouraged all residents with opinions to share with the Council attend the hearing.

6. No further communications were brought to the Committee's attention.

Items of Business

7(a) Review loophole draft language.

M. Nintean reviewed the rationale and status of the draft language to close loopholes in the designation of owner-occupied properties in existing Town regulations and ordinances. Town staff and the Town's attorney recommend new language be inserted as presented in the meeting packet in Section 5 of the Town of Mansfield Draft Ordinance (March 17, 2010) "An Ordinance Regarding Off Street Parking On Residential Rental Property" (attached) to prevent the practice of circumventing the intent of the Council by deeding portions of a rental property to children or tenants, thus technically exempting that property from rental-property provisions. These conveyances are usually for a very small payment, exempting them from conveyance tax which must be based on fees received rather than appraised value. The new language would allow an exemption from residential rental property requirements only if the owner occupant is the record owner of a minimum 50% fee simple interest, in his or her personal individual capacity.

No Committee action is requested on the draft language, as this will come before the Town Council and be germane to the Public Hearing scheduled for April 26. Toni Moran urged that citizens who support this change attend the Public Hearing.

7(b) Review draft ordinance for Student Rental Registry.

The draft ordinance was prepared by the Town's attorney following discussion in earlier meetings of this Committee, based upon an ordinance in Poughkeepsie, New York. Staff believes that the scope of the Poughkeepsie ordinance goes beyond the intentions and concerns expressed by the Committee. The draft Student Rental Registry would require recording names and other information concerning individual tenants. Potential privacy issues have not been fully considered. The Town attorney believes that the Town can legally enforce the ordinance as drafted, but staff asks if this is the actual intent of the Committee and of the Town. T. Moran stated that the draft ordinance is intrusive, targets only our short-term population, and is distasteful. It poses significant difficulties in determining which tenants are students, and will not offer additional assistance in enforcing occupancy requirements. It is offensive to require this of honest landlords. J. Hintz reported that the University does not require this information of its students who live off campus, although they may voluntarily supply it. Although such information would be helpful in certain emergency situations when the University must contact an individual student, no public universities require that this information be collected. T. Moran questioned whether this additional

information would allow existing Town staff to better enforce existing regulations. Betsy Paterson noted that most landlords now comply with existing occupancy regulations, and the Town does not have sufficient resources to enforce the draft ordinance. S. Rhodes remarked that he was uncomfortable with requiring only student tenants to be registered. If tenant registration is a good idea, it should apply to all tenants. The draft ordinance is basically discriminatory. G. Padick noted that the draft ordinance was envisioned as a potential aid to enforcement of occupancy regulations, used in other communities, and a source of additional information, but probably not critical to the Town's effective enforcement of existing requirements. The Committee agreed by consensus that the draft ordinance goes beyond reasonable requirements of landlords, would be intrusive of privacy, would be costly to administer, difficult to enforce, and politically problematic. By consensus the Committee agreed that it does not wish to pursue this issue further at this time nor recommend it to the Town Council.

7(c) Review Amherst Massachusetts programs

J. Hintz explained that the Mansfield Community-Campus Partnership had invited a coalition of stakeholders at the University of Massachusetts and in Amherst and its adjacent communities to meet with MCCP to share their experience in addressing similar quality-of-life issues, especially problems involving alcohol and drugs. The coalition's power-point presentation was included in the meeting packet. T. Moran noted that CCSU was the first university to receive a grant for such a substance-abuse program, where an Alcohol Advisory Council under the auspices of the University president conducted local surveys and organized peer assistance and counseling around substance and violence issues. Owners of local alcohol establishments were part of the Council, and a problem local bar owner was drawn into that discussion with positive results. J. Hintz reported that UConn conducts a robust health education and wellness program for its students, targeting these issues. A new director for substance-abuse programming has just been hired to further address these issues in our student community. He explained that the Amherst coalition is very similar to our MCCP, and also noted that, in contrast to Mansfield, Amherst has a significant municipal police force at its disposal. J. Hintz suggested that the MCCP is the proper venue for our own discussion of these issues, and can refer suggestions for ordinances to this Committee should they arise in those discussions. B. Paterson noted that UConn's Office of Off-Campus Student Services effectively mediates many resident/tenant conflicts informally, and that residents who have complaints about student-tenant problems should consider contacting Jim Hintz to enlist the University's assistance. Chair J. Briody asked Jim Hintz to make a presentation at the Committee's next meeting on the activities of his office in resolving these issues.

7(d). Review draft of off-street parking ordinance

This item now moot, given the scheduled public hearing before the Town Council on the proposed ordinance.

7(3). Review Action Plan

G. Padick updated the Committee on individual items in the action plan:

Item 4: Planning and Zoning reviewed the definition of 'family' at its last meeting. The Town's attorney has been asked to review and comment. A P&Z hearing on a revised definition of 'family' scheduled for May 3 will be continued for at least two weeks and perhaps into June, to allow the Windham Region Council of Governments its procedural opportunity to review the proposed changes.

G. Padick reiterated the effect of 'grandfathering' in zoning regulations. Right of use is attached to the land, not to the owner. Thus a 'nonconforming use,' appropriate under earlier regulations may be continued as long as the use is not abandoned, and regardless of whether ownership of the land changes.

T. Moran asked Jim Hintz if he would include information on model leases in his presentation at the next meeting.

8. The Committee received written comments from Jake Friedman (attached to and incorporated in these minutes). It also heard oral comments from Philip Matthews (wishing to enter into the public record the existence of problems at 399 South Eagleville Road (a repair operation that may be in violation of zoning regulations) and 406 South Eagleville Road (a rental property featuring frequent disorderly parties and disturbances)), and Jake Friedman (asking that the Committee do more to publicize existing remedies and avenues to resolve conflicts).

9. Meeting adjourned at 9:10 p.m.

Attachments

414 S. Eagleville Rd.

Storrs, CT. 06268

April 7, 2010

Members of the Community Quality of Life Committee:

I have been following some of the proposals that have been suggested by your committee and I have also read the various letters of opposition from some of the local landlords. From their perspective, I can understand their concerns about increased regulation of rental properties here in Mansfield. I am here, however, to offer a residents perspective.

Over the years, I have witnessed the sprawl of single family rental properties spread like cancer in our community. A few years ago, that sprawl reached my neighborhood when a group of college students rented the house next door at 406 South Eagleville Road. If you happen to travel through our neighborhood, you may recognize it as the house that left bags of garbage in the middle of route 275 for nearly a full week. It is also the house that decorates the lawn with red plastic cups that tend to end up on everyone else's property.

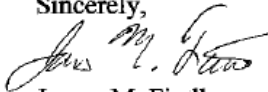
In the fall of 2006, this "party house" elevated its status to "felony house" when one of its residents, Daniel Ballerini, was arrested for first-degree sexual assault, fourth-degree sexual assault, first-degree unlawful restraint, possession of cocaine with intent to sell, possession of drug paraphernalia and tampering with a witness in connection to an incident that occurred at his residence. Mr. Ballerini was convicted of two felonies and one misdemeanor and his next Connecticut address was at the McDougal-Walker Correctional Facility.

The "felony house" tends to calm down during the winter months, but with the arrival of spring, the weekly parties of this de-facto fraternity house kick into full swing. The entire neighborhood is subject to the irresponsible behavior of premature adults who seem to feel as if this is an extension of the college dormitories without any rules to restrict their behavior. The excessive noise, traffic, litter, and underage drinking, is affecting the quality of life of the entire neighborhood.

I am in support of your proposals to increase the regulation of rental properties and I will do everything that I can to seek strict compliance with the law. As a resident, a taxpayer, and a voter in the town of Mansfield, I want to reclaim our community.

I appreciate your efforts to help us achieve that goal.

Sincerely,



James M. Findley



UNDERGRADUATE STUDENT GOVERNMENT
THE UNIVERSITY OF CONNECTICUT

2

SS(4) S10 1/2

**Statement of Position Regarding
"An Ordinance of Off Street Parking on Residential Rental Property"**

WHEREAS, the town of Mansfield has proposed an ordinance regarding "Off Street Parking on Residential Rental Property";

WHEREAS, according to Section 3 of the ordinance: "unsafe, blighted, congested conditions and other negative neighborhood impacts within the Town" is achieved through the application of designated on-site parking areas;

WHEREAS, the proposal creates economic hardship by requiring landlords to implement costly changes to meet new ordinance requirements;

WHEREAS, it is likely that these new costs will be passed on to tenants of those properties, including University of Connecticut students;

WHEREAS, enforcement of this ordinance is not clearly defined;

WHEREAS, this ordinance unfairly restricts parking to pre-designated parking spaces, failing to take special events such as graduation and family weekends or circumstances such as medical needs and emergency situations into account;

WHEREAS, such conditions may deter future landlords renting out properties to students, diminishing rental competition and further limiting rental options for students;

WHEREAS, the location of the designated Rental Certification Zone is a primarily student residential area whereby individuals with particular and similar living styles reside;

WHEREAS, this ordinance only applies to "residential rental properties, particularly those with one, two or three dwelling units" in the designated Rental Certification Zone, thereby unfairly targeting students and low-income families;

THEREFORE BE IT RESOLVED, the University of Connecticut Undergraduate Student Government finds that the proposed ordinance regarding "Off Street Parking On

Unit 3008SG • STORRS, CT 06269-3008 • (860) 486-3708 • FAX (860) 486-5533
Website: <http://www.usg.uconn.edu> • E-mail: represent@usg.uconn.edu



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SS(4)S10 2/2

Residential Property" is not only detrimental to students, but the Town of Mansfield as a whole.

BE IT FINALLY RESOLVED, that the University of Connecticut Undergraduate Student Government opposes the passage and implementation of "An Ordinance Regarding Off Street Parking on Residential Rental Property."

Date of Passage: 31 March 2010

Certified:

Enacted:

Krista D'Amelio
Speaker of the Senate
31 March 2010

Thomas Haggerty
President of the Student Body
31 March 2010

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Website: <http://www.usg.uconn.edu> • E-mail: represent@usg.uconn.edu

Jake Friedman
April 7, 2010

Letter to Committee for Community Quality of Life

As a voter and property owner in Mansfield, I want to share my concerns about three topics that are on your agenda this evening: the "loophole" topic, student tenant registry and the proposed parking ordinance as well as the overall approach of the Committee.

These three topics are further reflection of the troubling approach that this Committee has taken thus far in attempting to resolve issues that we face in town. In short, the approach uses large sticks and no carrots and would have questionable effect on the issues of blight and behavior. As many have said, this approach targets a particular group for restriction: students in some cases or all tenants in others and, collaterally, property owners in some or all cases. The idea of a student tenant registry is an affront to Right to Privacy of a particular group of residents and should be rejected. The other planned restrictions are irreverent of Private Property Rights. The "loophole" proposal and the parking ordinance are not unlike eminent domain, as the town would take tangible and intangible property from property owners. As a Committee you should balance actions that address blight and behavior with respect for Private Property Rights. The proposals to date encroach too far on those rights. Their intended results can be accomplished with enforcement of existing rules, much less severe restrictions or by encouraging/improving direct communication between neighbors.

The Committee's records show that rental house-related issues have been brought forth from only ~3-4 neighborhoods. This small scope presents an opportunity to make real and positive changes without restricting the large majority of us who don't have issues or are able to deal with them directly. If you think that this scope is inaccurate, please enter an information-gathering period to more accurately define the problem and problem neighborhoods.

Finally, the Committee's actions and recommendations should reflect the values of our community. To date, you have heard more public opposition to the various restrictions than support for them- from landlords and non-landlords alike. If you are interested in your actions reflecting the values of our community, then the best way to approximate that is through public referendum. Please consider recommending that your proposals be voted on by the public in this way.

Thank you.

Section 5. Applicability.

This Article shall apply to any such Residential Rental Property situated within the Rental Certification Zone of the Town of Mansfield established in the Housing Code, Chapter 130-35 of the General Code of the Town of Mansfield, except Residential Rental Property owned by the State of Connecticut and Residential Rental Property containing a dwelling unit which is the primary place of residence of the owner in which he or she remains for more than one-half of the calendar year, which [is] are exempt. To qualify for exemption, any such owner occupant must be the record owner of a minimum 50% fee simple interest in said Residential Rental Property in his or her personal individual capacity only.